



APPLICATION ACCEPTED: August 29, 2013
BOARD OF ZONING APPEALS: November 6, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 30, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-BR-069

BRADDOCK DISTRICT

APPLICANT: Maliha Mahmood and Lifeskills Montessori and Daycare, LLC

OWNERS: Maliha Mahmood
Salman A. Mahmood

SUBDIVISION: Deerfield Forest

STREET ADDRESS: 11340 Nancy Ann Way, Fairfax 22030

TAX MAP REFERENCE: 56-2 ((8)) 6

LOT SIZE: 20,471 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a home child care facility.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-BR-069 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\gumk2\SP_VC Cases\11-6) SP 2013-BR-069 Mahmood HCC\Mahmood SP 2013-BR-069 SR.doc

Laura Gumkowski

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

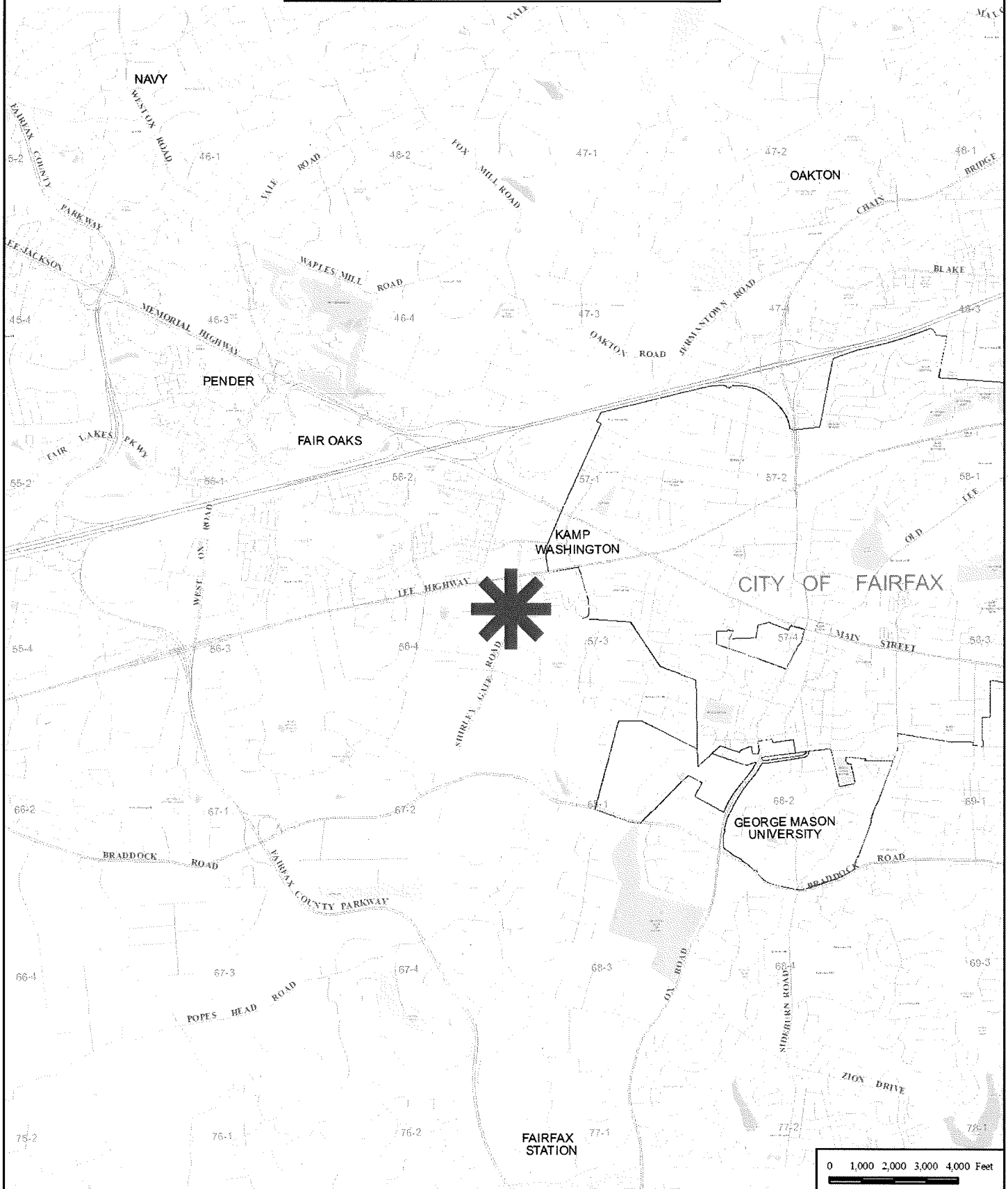


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-BR-069

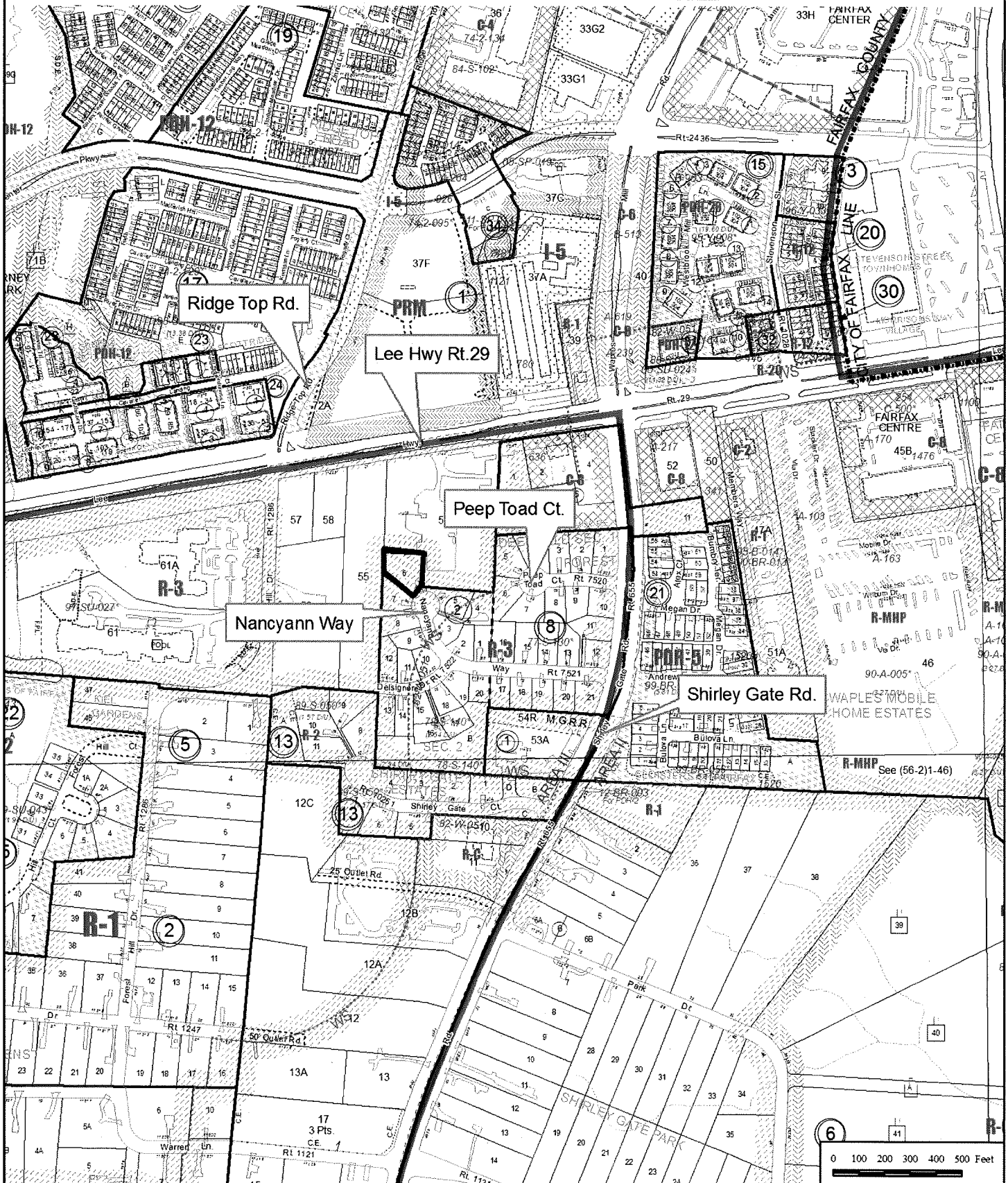
MALIHA MAHMOOD AND LIFESKILLS
MONTESSORI AND DAYCARE, LLC



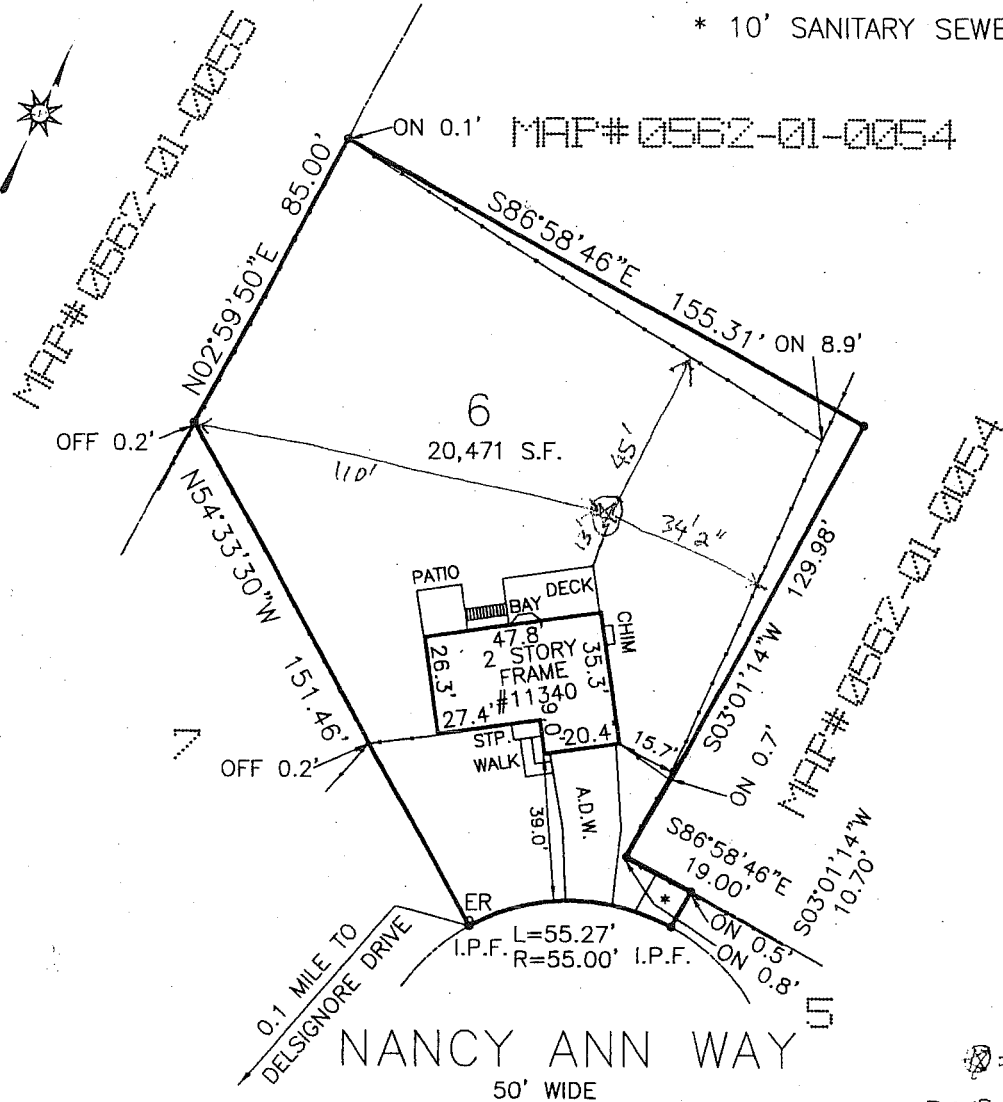
Special Permit

SP 2013-BR-069

MALIHA MAHMOOD AND LIFESKILLS
MONTESSORI AND DAYCARE, LLC



* 10' SANITARY SEWER EASEMENT



⊗ = PLAY SET
PLATFORM HEIGHT: 45"
FENCE HEIGHT: 6'2"

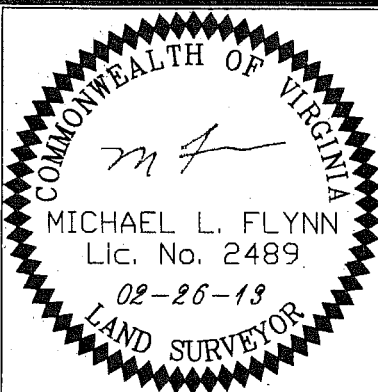
PLAT
SHOWING LOCATION SURVEY ON
LOT 6 SECTION 2
DEERFIELD FOREST
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 50'
FEBRUARY 26, 2013

CASE NAME:

KIM-MAHMOOD

GRAPHIC SCALE

0 50 100



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET.
BOUNDARY SURVEY NOT PERFORMED.
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS
OF ALL THE EXISTING IMPROVEMENTS
HAVE BEEN CAREFULLY ESTABLISHED BY
A CURRENT FIELD SURVEY, AND UNLESS
OTHERWISE SHOWN THERE ARE NO
VISIBLE ENCROACHMENTS

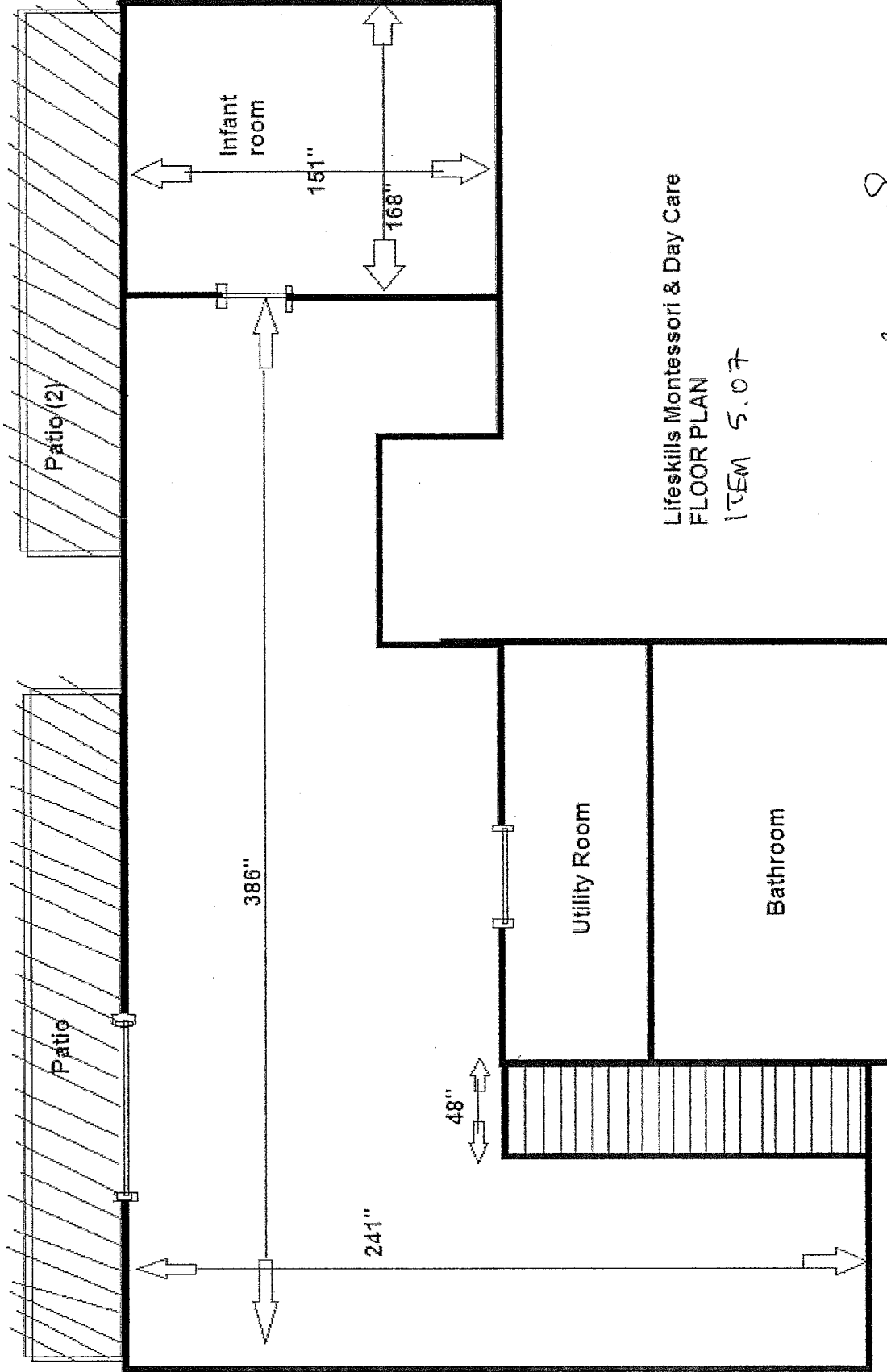
AUG 13 2013

REQUESTED BY:

CHAMPION TITLE & SETTLEMENTS, INC.

ALEXANDRIA SURVEYS, LLC

3949 PENDER DRIVE, STE #120 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-636-1313 FAX NO. 703-636-4266

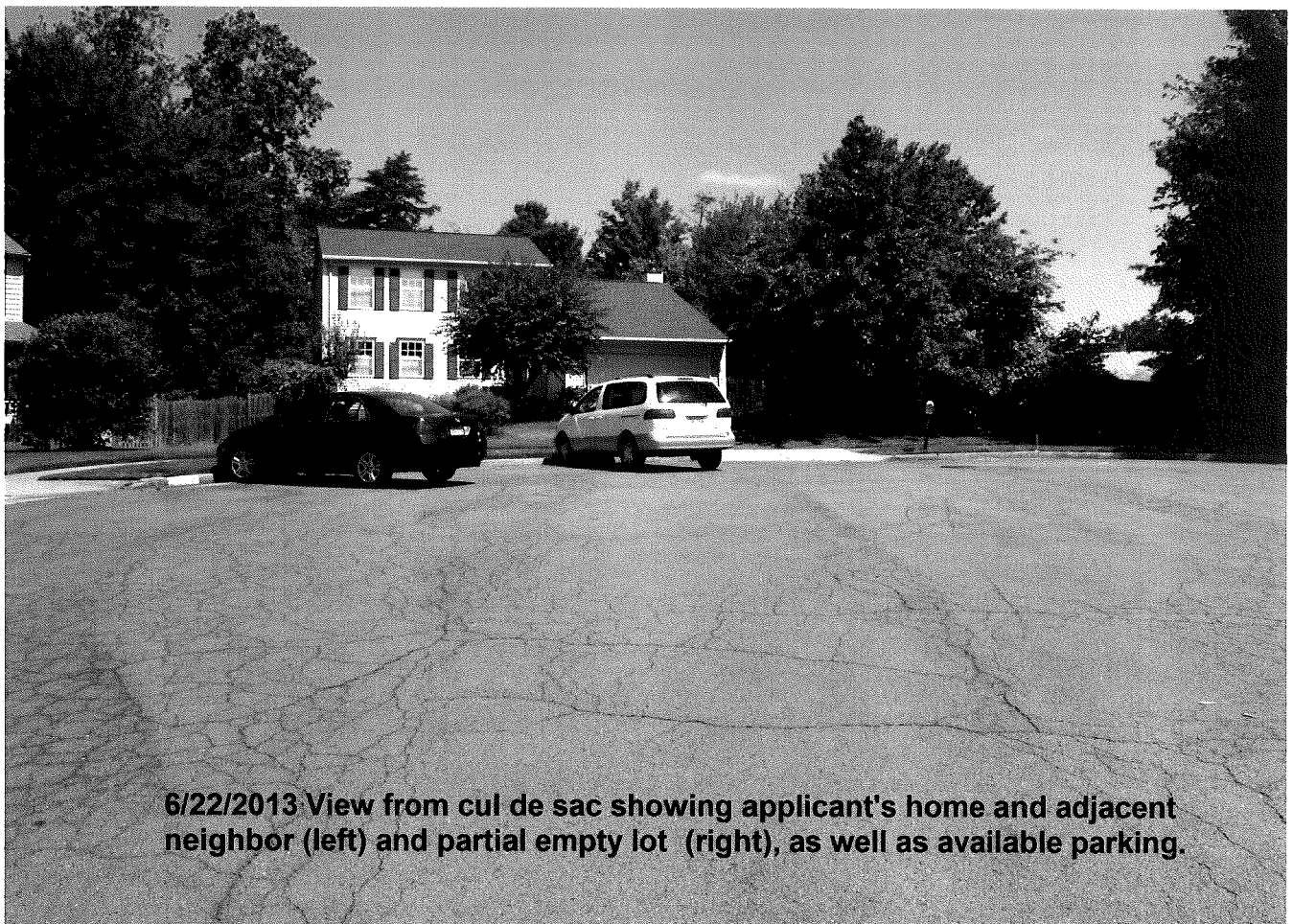
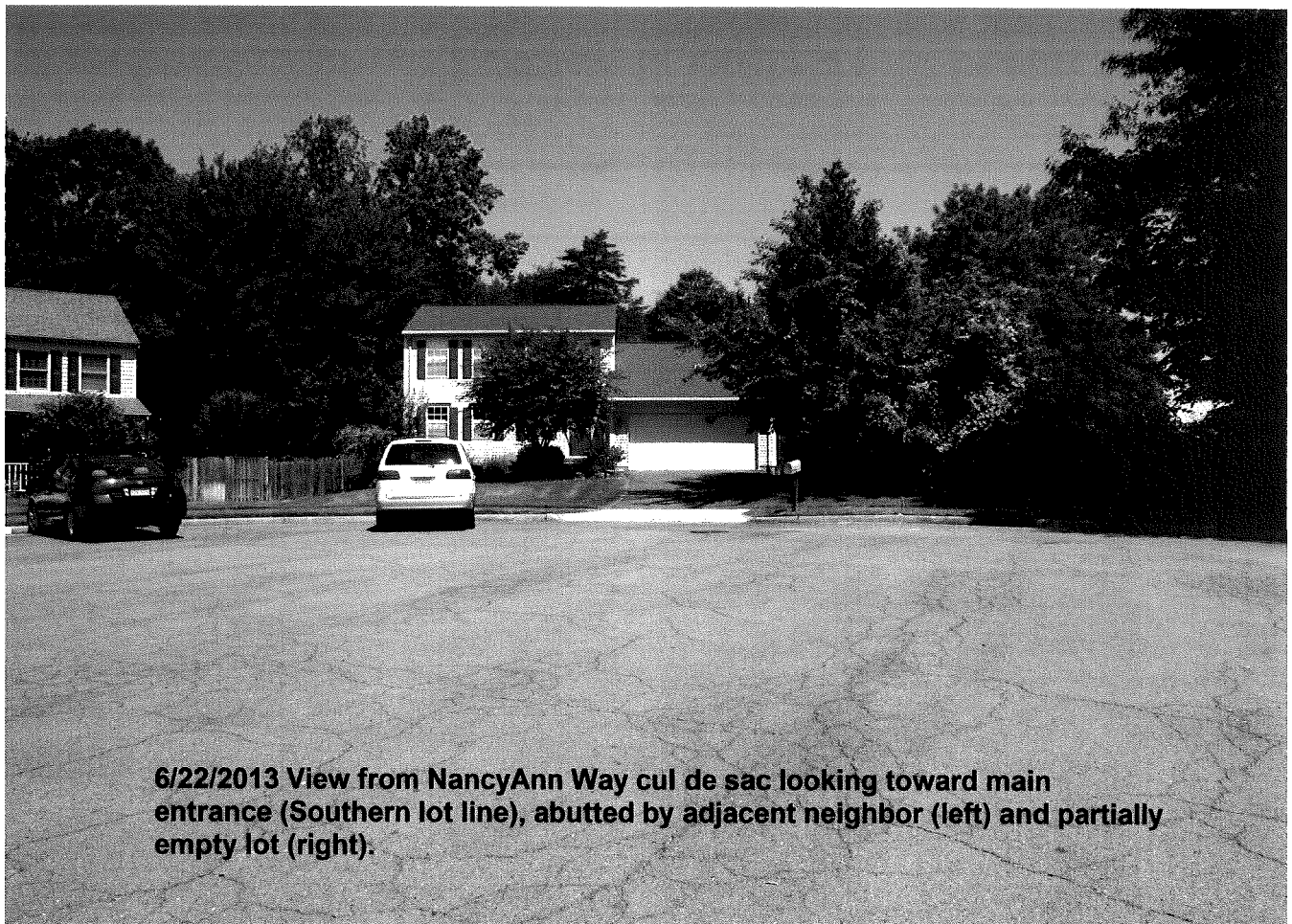


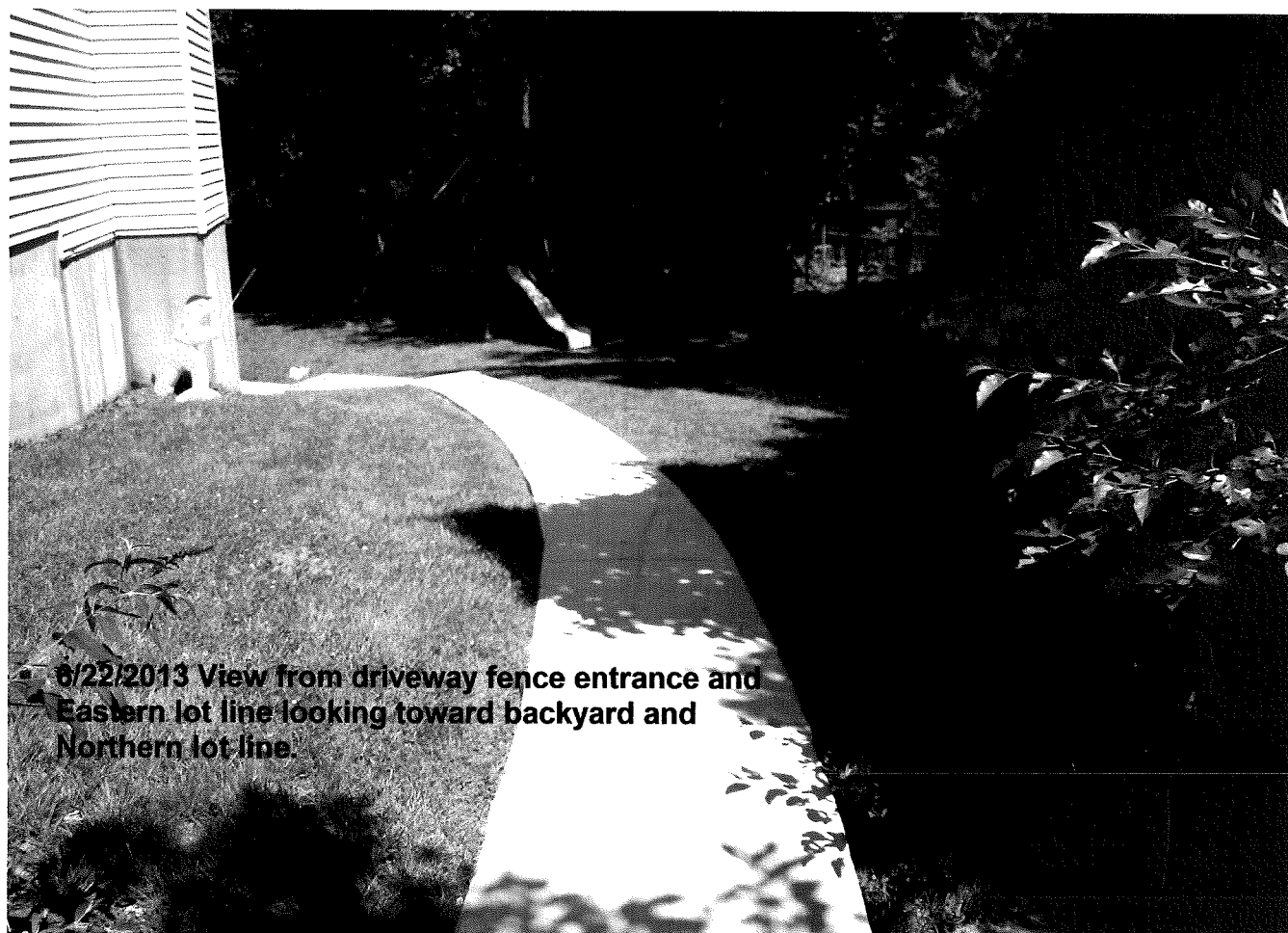
Lifeskills Montessori & Day Care
FLOOR PLAN
ITEM 5.07

Melissa Johnson
10/12/13

RECEIVED
Department of Planning & Zoning
AUG 13 2013

Zoning Evaluation Division

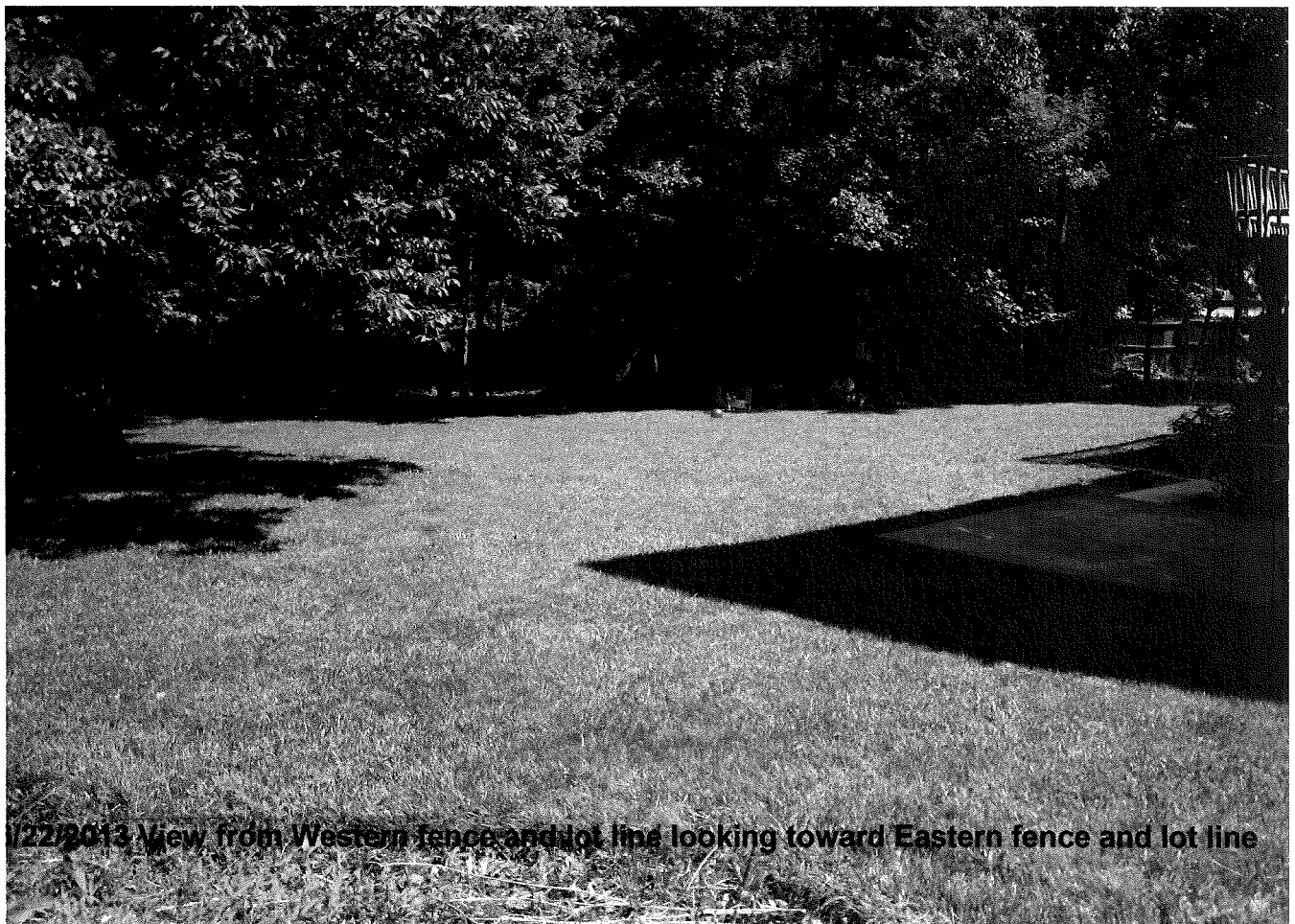




6/22/2013 View from driveway fence entrance and Eastern lot line looking toward backyard and Northern lot line.



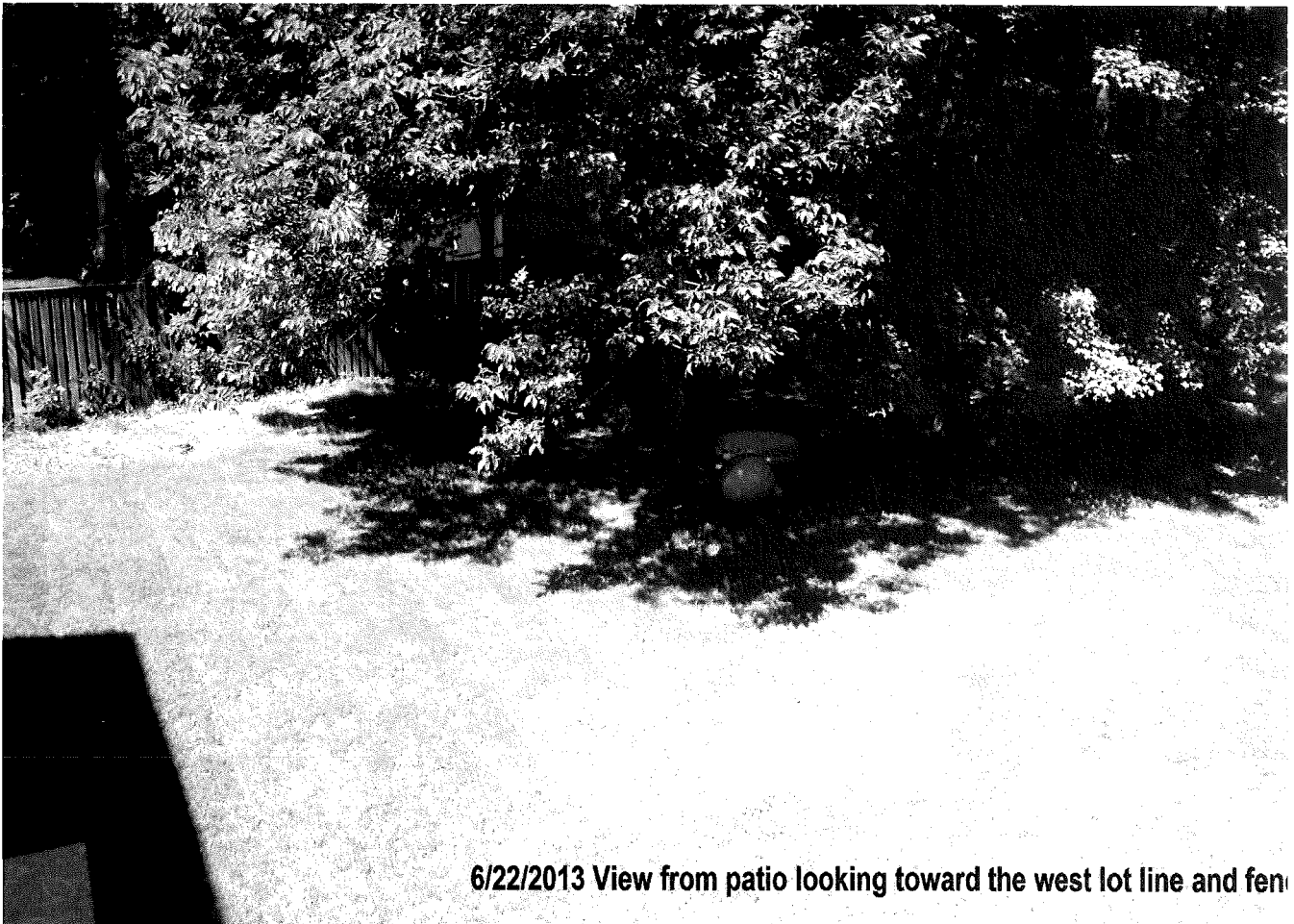
6/22/2013 View from driveway and front entrance



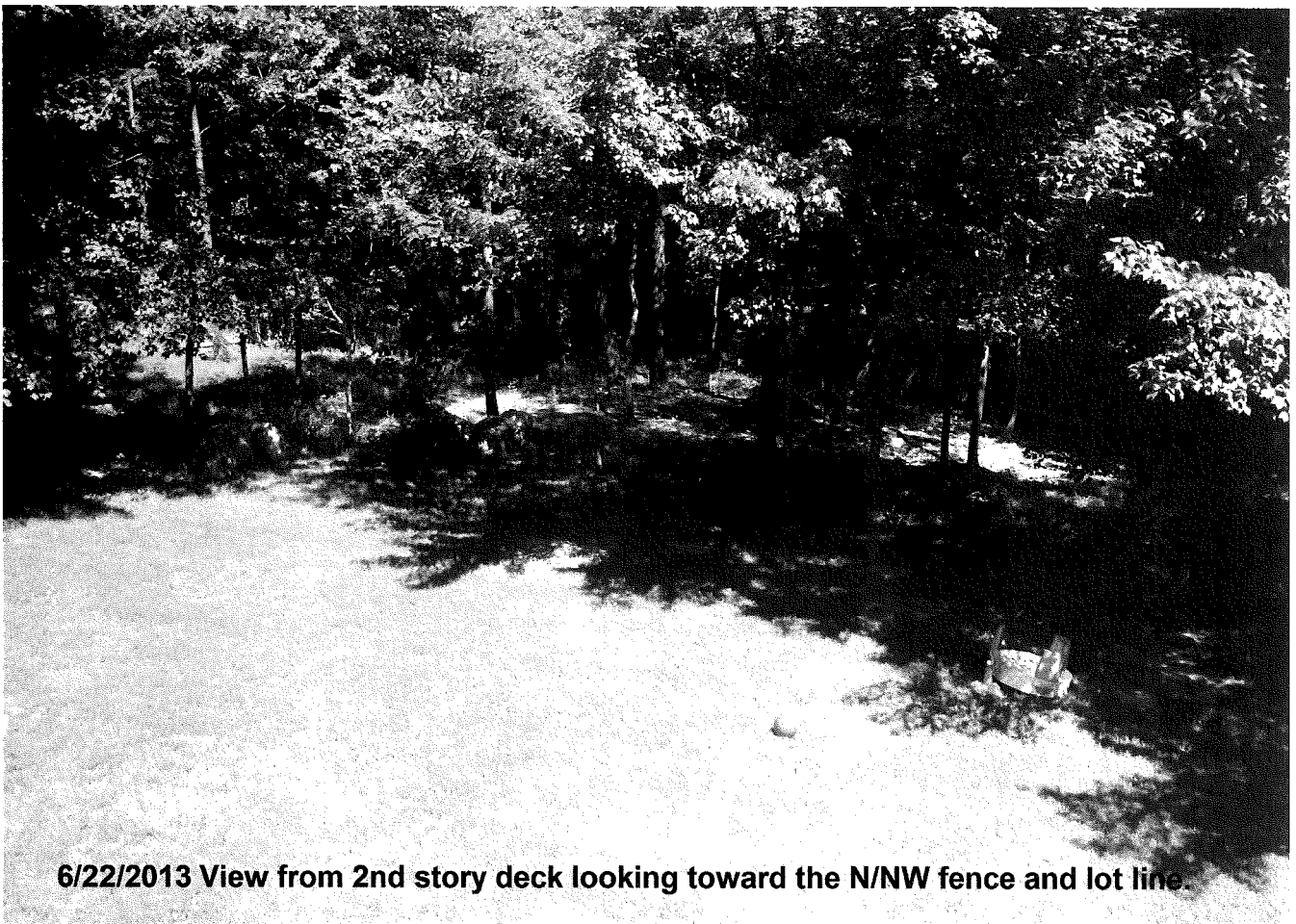
1/22/2013 View from Western fence and lot line looking toward Eastern fence and lot line



1/22/2013 View from N/NW fence and lot line looking toward patio and deck



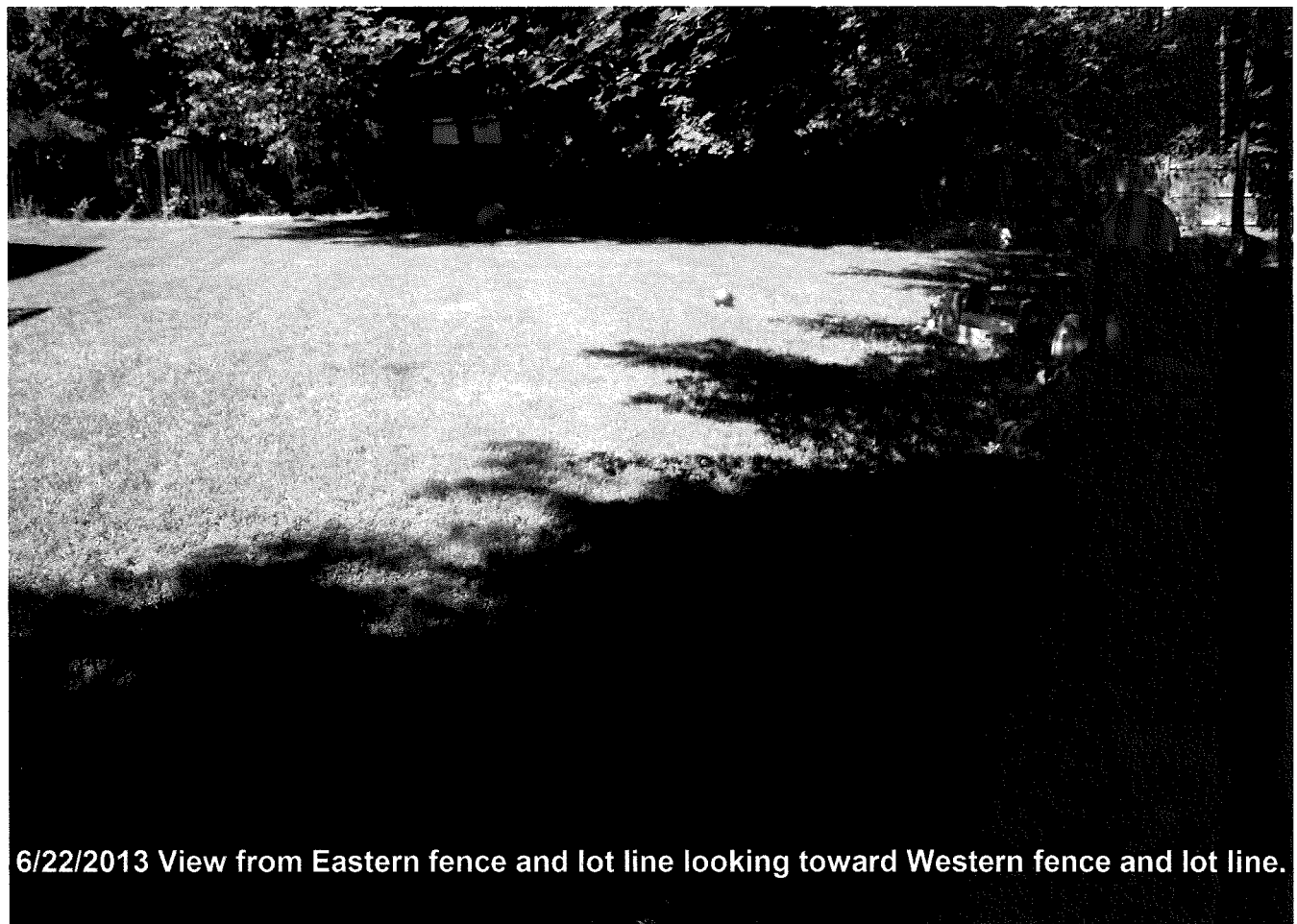
6/22/2013 View from patio looking toward the west lot line and fence



6/22/2013 View from 2nd story deck looking toward the N/NW fence and lot line.

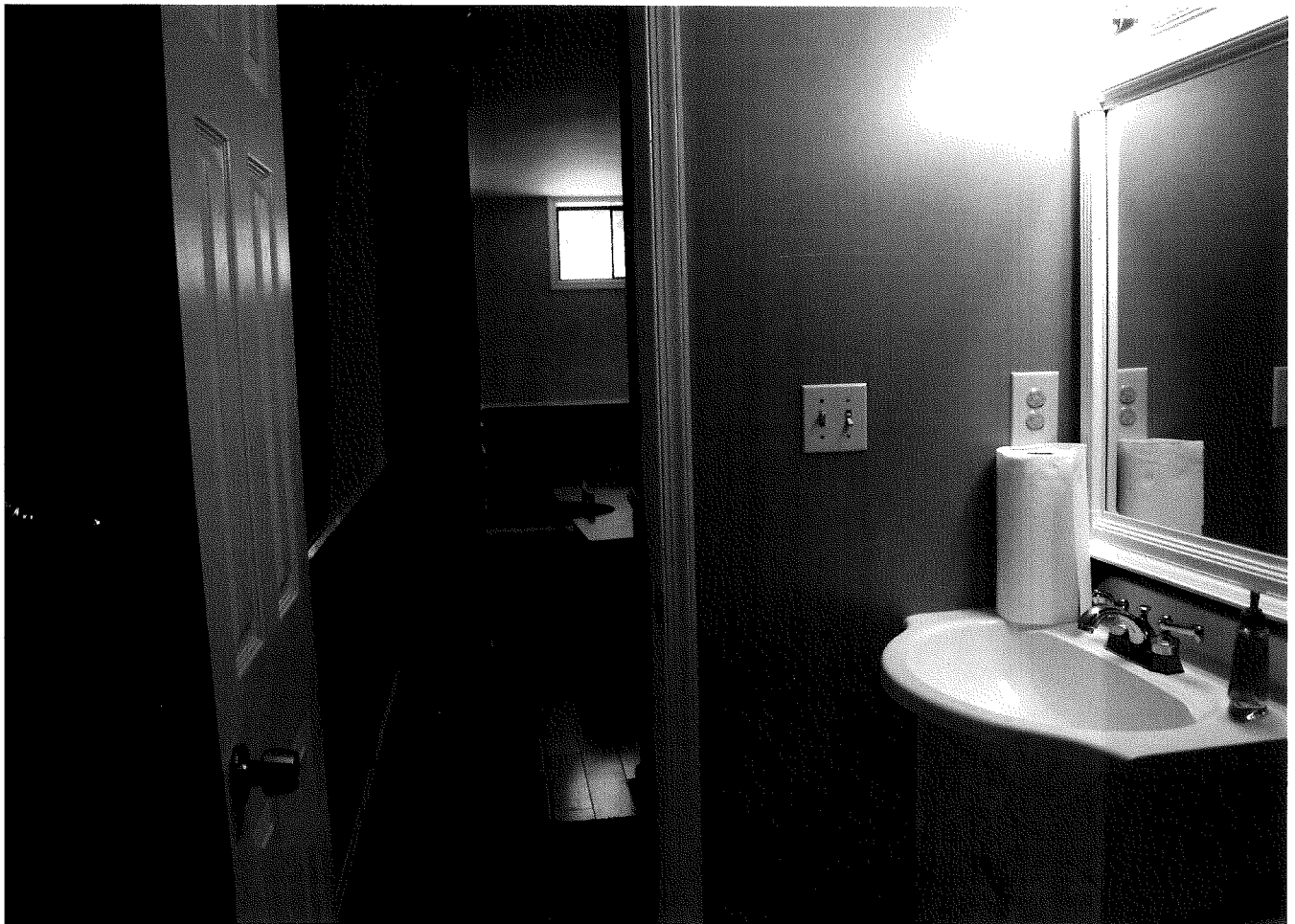


6/22/2013 View from N fence and lot line looking back toward patio and deck.



6/22/2013 View from Eastern fence and lot line looking toward Western fence and lot line.

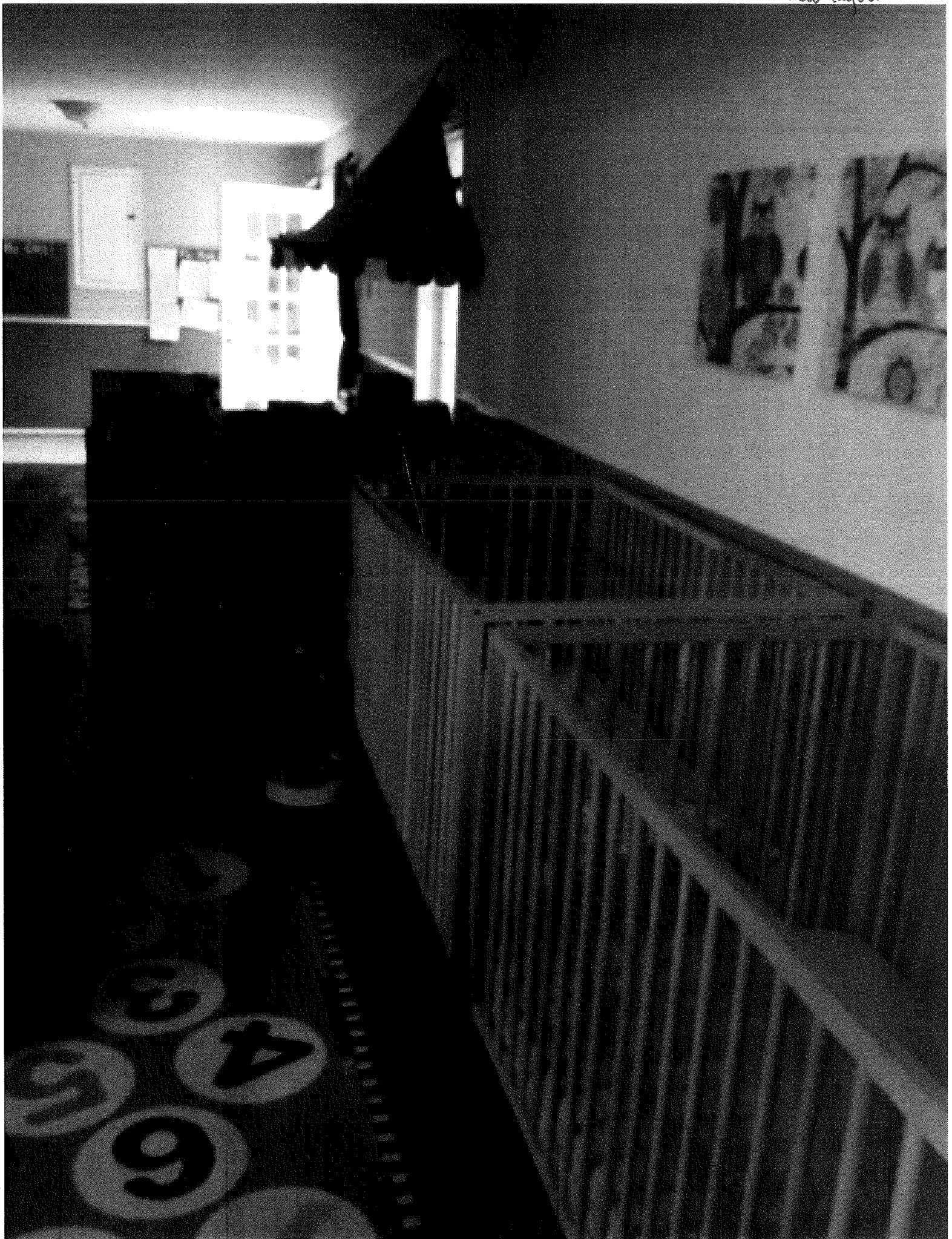








new layout





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SPECIAL PERMIT REQUEST

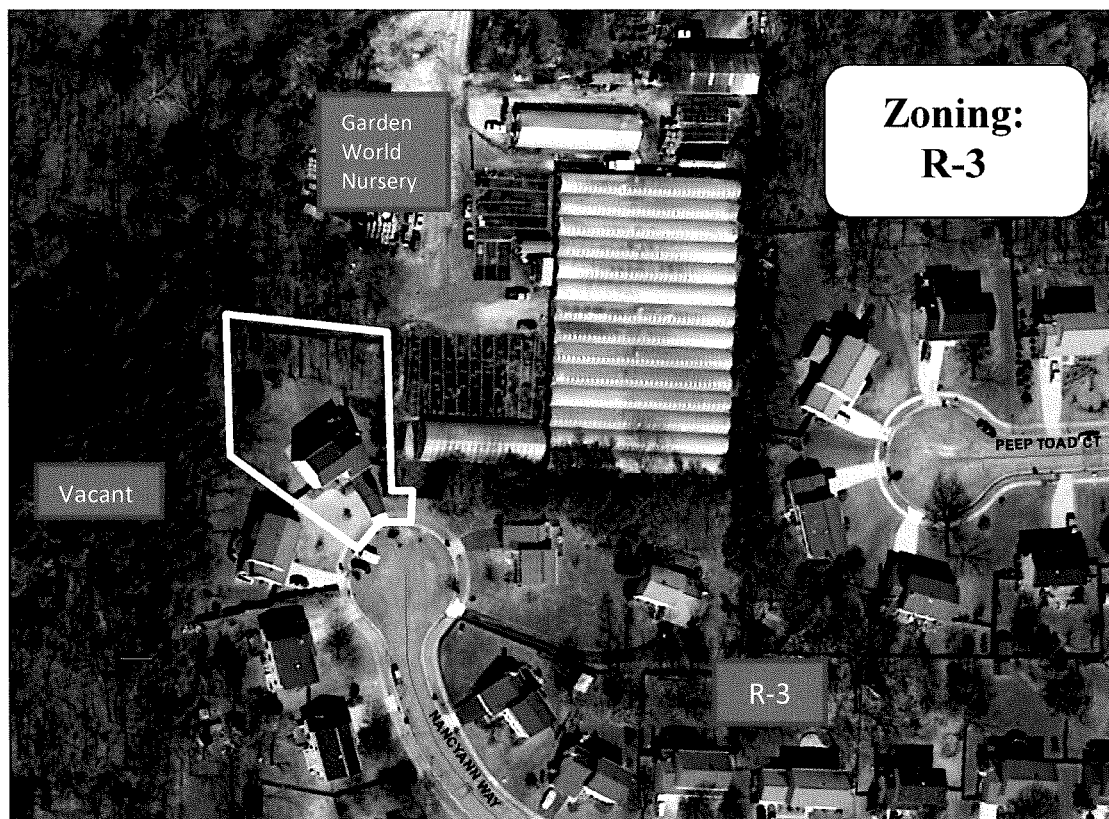
The applicant is seeking a special permit to allow a home child care facility.

A copy of the special permit, plat titled "Plat Showing Location Survey on Lot 6, Section 2, Deerfield Forest," prepared by Michael L. Flynn of Champion Title & Settlements, Inc., dated February 26, 2013 as revised by Maliha Mahmood on August 12, 2013, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two story single family dwelling with a first story deck and two ground level patios attached to the rear of the house. A play-set exists in the rear yard. A stoop and walkway exist in the front yard of the house. A walkway begins at the front entrance and culminates at the asphalt driveway which provides vehicular access to Nancy Ann Way. A separate concrete walkway exists to the east of the house and leads to the rear yard and the main entrance for the daycare. A 6 foot 2 inch high wooden fence encloses the rear yard. A ten foot sanitary sewer easement is located in the southeast portion of the property. There are a number of mature trees in the side and rear yards of the property and the topography drops from the house through the rear yard.



The subject property and surrounding properties are zoned R-3. As illustrated on the picture on the previous page, Garden World, a plant nursery, is located to the north and east of the subject property. The property to the west is vacant and the properties to the south are developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1985 and purchased by the applicant in April of 2013. The only building permit on file is for the initial construction of the dwelling in 1985.

Records indicate that no other special permit or variance applications relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children on site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The children arrive between 7:00 a.m. and 9:00 a.m. and depart between 4:30 p.m. and 6:00 p.m. Employees include one of the owners of the property, and one other full time employee. Another employee will be hired if the applicant receives approval for 12 children.

The applicant holds a current Family Day Home License, effective from May 29, 2013 and valid through May 28, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of seven children, aged 2 months through 12 years. A copy of the license is included as Appendix 4. The applicant, however, will apply to the Department of Social Services for a license for twelve children if this special permit request is approved.

The home child care facility is located operated in the basement which includes a large open space, a bathroom, an eating room (labeled as "infant room" on the floor plan) and a kitchen. A wood fence measuring approximately six feet two inches in height encloses a large portion of the lot within which is an outdoor play area, as shown on the special permit plat. Pictures provided by the applicant show toys and playground equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Bull Run Planning District
Planning Sector: Braddock Community Planning Sector (BR07)
Plan Map: Fairfax Center Area

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities

Staff believes that with the adoption of the proposed development conditions the application meets all special permit standards of the Zoning Ordinance.

On-site Parking and Site Circulation

Two off street parking spaces are required for the single family dwelling and these are contained within the garage. The existing driveway appears to be able to accommodate four vehicles. The applicant indicates she parks in the garage during operating hours. The applicant currently has one assistant, who is dropped off at the property and does not park a car on-site. Therefore, the driveway is available to be used for drop-off and pick-up of children. Additional on-street parking is available in the cul-de-sac.

Access to the site is provided from Nancy Ann Way. A concrete walkway connects the driveway to the front of the dwelling and also leads to a rear entrance.

Staff believes sufficient parking exists in the driveway to accommodate any employees who may drive and for the pick-up and drop-off of children for the home child care use.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2013-BR-069 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. License for Family Day Home
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-BR-069****October 30, 2013**

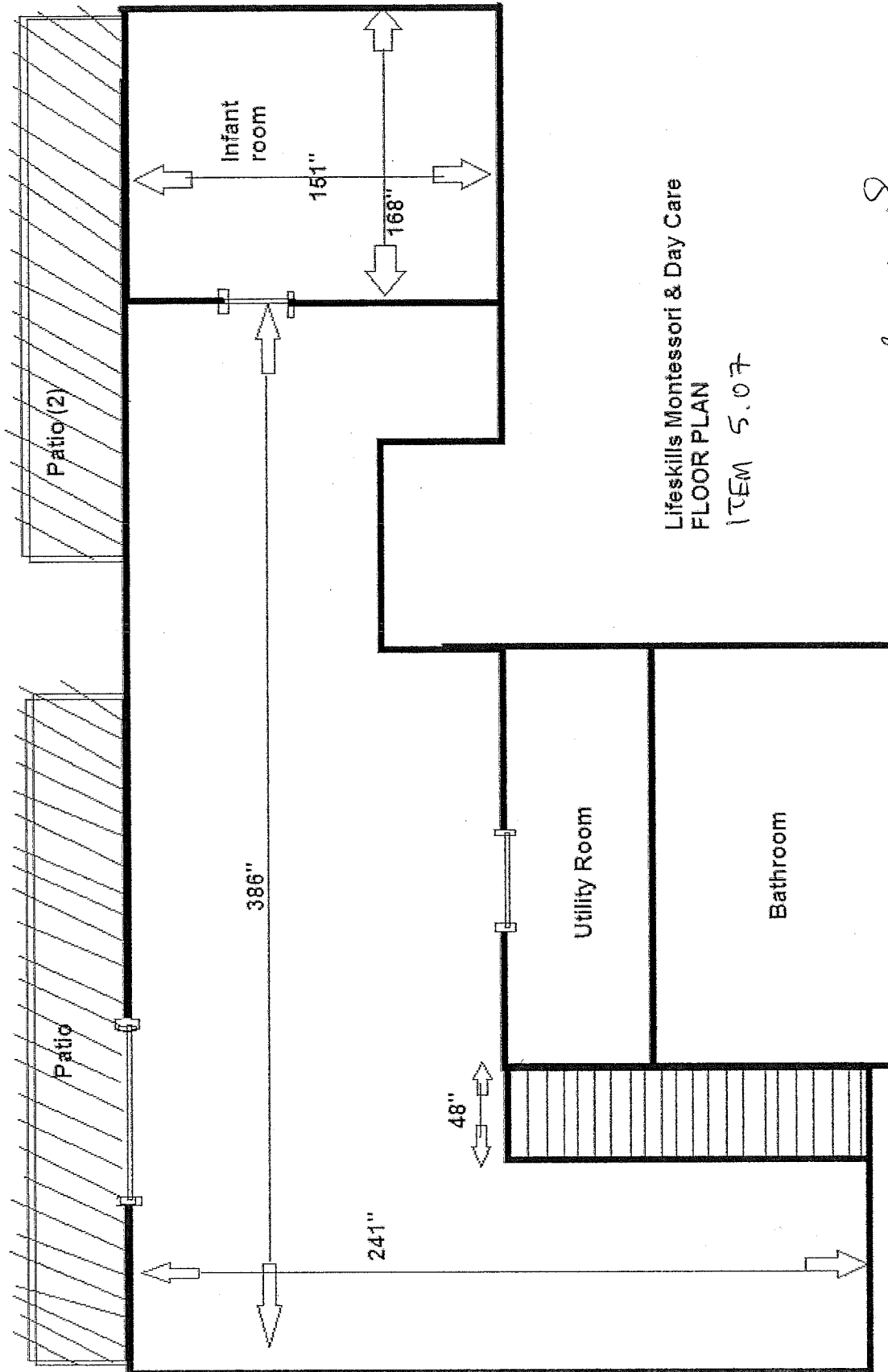
If it is the intent of the Board of Zoning Appeals to approve SP 2013-BR-069 located at Tax Map 56-2 ((8)) 6 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Maliha Mahmood and Lifeskills Montessori and Daycare, LLC, only and is not transferable without further action of the Board, and is for the location indicated on the application, 11340 Nancy Ann Way, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the plat entitled, "Plat Showing Location Survey on Lot 6, Section 2, Deerfield Forest," prepared by Michael L. Flynn of Champion Title & Settlements, Inc., dated February 26, 2013, as revised by Maliha Mahmood on August 12, 2013, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. Pick-up and drop-off of children shall take place in the driveway.
8. A minimum of six parking spaces shall be provided on the subject parcel within the garage and areas of existing paving.

9. The existing two car garage shall not be converted to a use other than for off-street parking and shall be kept clear of debris at all times in order to accommodate parking for the dwelling and home child care uses.
10. There shall be no signage associated with the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



Lifeskills Montessori & Day Care
FLOOR PLAN
ITEM 5.07

Melissa J. Munn
10/12/13

ATTACHMENT 1

RECEIVED
Department of Planning

AUG 13 2013

Zoning Evaluation Div.

Application No.(s): SP 2013-BR-069
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/17/2013
 (enter date affidavit is notarized)

I, Maliha Mahmood, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

121645

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS**, and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
MALIHA S. MAHMOOD	11340 NANCYANN WAY, FAIRFAX, VA 22030	APPLICANT/TITLE OWNER
LIFESKILLS MONTESSORI AND DAYCARE, LLC	11340 NANCYANN WAY, FAIRFAX, VA 22030	CO-APPLICANT
SALMAN A. MAHMOOD	11340 NANCYANN WAY, FAIRFAX, VA 22030	TITLE OWNER

(check if applicable) ☒ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2013-BR-069
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/17/2013
(enter date affidavit is notarized)

121645

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

LIFESKILLS MONTESSORI AND DAYCARE, LLC
11340 NANCYANN WAY
FAIRFAX, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

MALIHA S. MAHMOOD

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-BR-069
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/17/2013
(enter date affidavit is notarized)

121645

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

NOT APPLICABLE

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

NOT APPLICABLE

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-BR-069
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/17/2013
(enter date affidavit is notarized)

121645

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2013 - BR - 069

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-17-2013
(enter date affidavit is notarized)

121645

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

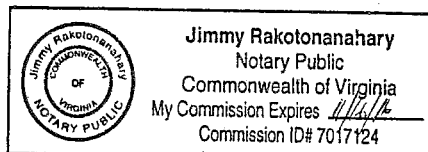
MALHA S. MAHMOOD

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17th day of Aug 2013, in the State/Comm. of VA, County/City of Fairfax.

Notary Public

My commission expires: 10/16/2016



Lifeskills Montessori and Daycare

11340 Nancyann Way
Fairfax, VA 22030
(703) 281-1965
malihasalman@yahoo.com

APPENDIX 3

RECEIVED
Department of Planning & Zoning
AUG 13 2013
Zoning Evaluation Division

August 10, 2013

Virginia H. Ruffner, Planner III
Application Acceptance Section, ZED, DPZ
County of Fairfax
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application (File SP 2013-0158)

Dear Ms. Ruffner,

Thank you for your recent communication and the opportunity to correct portions of my Special Permit application packet. The items needing attention were corrected as follows:

Item 3.00 Enclosed for your review are printed photographs including dates and labels indicating location and direction. I have also enclosed a new disk with digital versions of the photographs.

Item 5.07 A floor plan layout of the home childcare facility is enclosed.

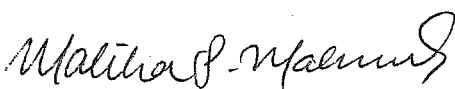
Item 5.08 Please include and incorporate the following statement as part of my Special Permit application:

"There are no known hazardous or toxic substances on my property at 11340 Nancyann Way, Fairfax, nor is any hazardous material, waste, or petroleum product as defined by applicable Virginia law generated, utilized, stored, treated, and/or disposed of on site."

Item 7.00 An 8.5" x 11" reduction of the Special Permit plat, properly scaled, and 10 copies of same is enclosed for your review. The plat drawing also includes the dimensions and location of the outdoor playset (indicated by a star "*" on the original plat and copies), height of the fencing, and is properly signed and dated.

I appreciate your patience and attention to this matter. Please let me know of any further questions or if I can be of assistance in expediting the Special Permit process.

Sincerely,



Maliha Mahmood

Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Submitted for approval by Fairfax County Department of Planning and Zoning, this Special Permit application is to request an increase in the number of children permitted to twelve (12), pursuant to Zoning Ordinance 8-305 amendments adopted in June 2013.

A. Type of Operation

Lifeskills Montessori and Day Care is a home childcare facility licensed by the state of Virginia since 2009. Maliha Mahmood ("Applicant," hereinafter) is the owner and primary childcare provider at Lifeskills. Applicant, having recently relocated from a town home to the single-family home described in this application, is requesting approval of an increase in the number of allowable children in line with the home's larger size and capacity.

B. Hours of Operation

Monday through Friday, 7:00 am to 6:00pm

C. Estimated Number of Children

Lifeskills is presently at capacity (7 as a matter of right) in accordance with its state license. Applicant seeks to increase the number of permitted children to twelve (12).

D. Proposed Number of Employees/Attendants

The care-provider-to-child ratio is governed by state licensing procedures, and will therefore vary depending on the number of children actually attending the childcare facility. At present there is one full-time attendant employed by Applicant. Once approved for 12 children, Lifeskills anticipates employing one additional attendant plus Ms. Mahmood to provide direct care.

E. Estimated Drop-Off Schedule

Parents will typically drop off children between 7:00 am to 9:00 am. At any one time there may be one to two additional cars parked in Applicant's driveway for a maximum of five minutes while parents drop their child and return to their vehicle. Pickups will typically take place between 4:30 pm and 6:00 pm, also one to two parents at a time parking their car for a maximum of five minutes while picking up child and safely settling into the vehicle.

F. Vicinity or General Area Served

Lifeskills serves the area in its immediate vicinity of the city of Fairfax near Lee Highway and Shirley Gate Road.

G. Description of Dwelling and Proposed Use

Lifeskills is operated from a large single-family home with 20,471 sq feet of fenced-in space. The home itself includes a main level, three bedrooms on the second level, and a completely renovated, finished basement dedicated to child-care. The childcare space is a large "L" shape walkout basement complete with direct access to the outside yard and play area. Applicant has designated "corners" for specialized activities, Montessori learning

centers including a reading corner, eating corner, word and numbers tutorials, and a separate room for infants. There is also a complete bathroom and storage area for the children's daily necessities.

The outdoor area is a large, fenced-in yard that allows for plenty of open space for the children to run and stay active. Children have daily supervised outdoor activities (weather permitting) including ball games, free play, art projects, Lego-blocks, Play-do, and an age-appropriate swing set complete with a slide.

With the above space, amenities, and dimensions in mind, applicant proposes that up to twelve children should be permitted to receive home care at Lifeskills.

H. Statement of Compliance with Zoning Ordinance General Standards

1. The proposed use--requesting permission to allow up to twelve children at the Lifeskills home child care facility--is in harmony with the adopted comprehensive plan, pursuant to the amendments adopted by Fairfax County in June 2013.

2. The proposed use is in harmony with the general purpose and intent of the applicable zoning district regulations, which is to provide for a safe environment for home child care recipients while minimizing adverse affects in traffic flow in the immediate vicinity of the home child care facility.

3. The proposed use is in harmony with the general building and aesthetic standards of the neighborhood and homes in the immediate vicinity of the home child care facility. There will be no changes to the existing physical structure and no changes whatsoever to the exterior area (such as signs, banners, changes in fence height, etc.) in order to accommodate the proposed use. In effect, there will be absolutely no noticeable change to the aesthetic standards of the neighborhood, the applicant's home, or the adjacent homes abutting the applicant's home and cul de sac.

4. The proposed use will not adversely affect existing or anticipated pedestrian or vehicular traffic associated with the provision of home childcare services. Applicant expects that at most one to two additional vehicles—parked for a period of at most five minutes at a time, and only during the designated pick up and drop off hours—will be associated with the proposed use. The temporary nature of such additional vehicular and pedestrian traffic will have no noticeable effect upon existing traffic patterns.

5. Applicant does not anticipate updates to landscaping or screening requirements in connection with the proposed use, but will comply with any and all requirements set forth by the Department of Zoning and Planning.

6. Applicant's home childcare provides daily access to its outside play area, in conformance with local and state licensing mandates.

7. Applicant will comply with utility, drainage, parking, loading, and other necessary facilities in accordance with Article 11 provisions. The proposed use contemplates, however, that there will be no noticeable increase upon such necessary facilities.

8. Applicant will comply with all sign regulations pursuant to Article 12. At present there are no visible signs, banners, or similar advertising material on or near the immediate vicinity of the applicant's home childcare facility, and applicant does not anticipate placing new or additional signage.

I. Statement of Compliance with Zoning Ordinance Additional Standards

1. Applicant's Special Permit request seeks to increase the number of permitted children to twelve (12), in accordance with the amended version of Zoning Ordinance 8-305 adopted by Fairfax County in June 2013. Accordingly, the proposed use will comply with the newly adopted zoning standard.

2. At present, the available parking at Applicant's home includes a two-car garage for Applicant's personal vehicles and a driveway leading up to the garage from the cul de sac, which can accommodate an additional two vehicles. There is a vacant lot bordering the fence immediately to the right of Applicant's home, which is also the back end of a commercial nursery and landscaping business. This lot is at present utilized as excess parking for neighborhood visitors. Around the perimeter of the cul de sac, visitors to the adjacent homes (one abutting Applicant's home to the left, and one across the driveway on the opposite side of the cul de sac) have access to a large secluded driveway and guest parking which easily allows for at least two additional cars directly in front of the three neighboring homes.

3. Applicant will comply with all BZA requirements with regard to landscaping and screening as appropriate.

4. Ten copies of Applicant's home location plan, drawn to scale, are provided for review.

STATEMENT OF OWNERSHIP

Applicant Maliha Mahmood and her husband own the application property located at 11340 Nancyann Way, Fairfax, Virginia 22030. No other individual or entity has any interest in or rights to this property or Lifeskills Montessori and Daycare, LLC.

Commonwealth of Virginia



DEPARTMENT OF SOCIAL SERVICES

FAMILY DAY HOME LICENSE

Issued to:

Maliha Mahmood, d.b.a. Lifeskills Montessori & Day Care

Address:

11340 Nancyann Way, Fairfax, Virginia 22030

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

<u>CAPACITY</u> 7	
<u>GENDER</u> Both	<u>AGE</u> 2 months through 12 years

This license is not transferable and will be in effect May 29, 2013 through May 28, 2015 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

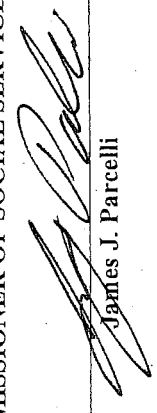
ISSUING OFFICE:

Virginia Department of Social Services
Division of Licensing - Fairfax Licensing Office
3701 Pender Drive, Suite 125
Fairfax, VA 22030

Telephone: (703) 934-1505

MARGARET ROSS SCHULTZE
COMMISSIONER OF SOCIAL SERVICES

By


James J. Parcelli

Title

LICENSING ADMINISTRATOR

Date

July 10, 2013

FDH 1108021-L101
LICENSE NUMBER

CORRECTED

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.